

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DAVID CALVIN HARDY,

Petitioner,

v.

Case Number: 2:10-cv-14310  
Honorable George Caram Steeh

THOMAS BIRKETT,

Respondent.

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**OPINION AND ORDER DENYING MOTION FOR RECONSIDERATION**

Pending before the Court is Petitioner's "Motion/Brief for Relief from Order" [Dkt. # 30], filed on February 16, 2012, concerning the Court's denial of his "Motion for Preliminary Injunction to Transfer" [Dkt. # 21]. See "Order Denying Petitioner's Motion for Preliminary Injunction to Transfer as Moot" [Dkt. # 29], Feb. 2, 2012. The Court construes Petitioner's motion as a motion for reconsideration of that order.

Local Rule 7.1(h) allows a party to file a motion for reconsideration. See E. D. Mich. LR 7.1(h). However, a motion for reconsideration which presents the same issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *Ford Motor Co. v. Greatdomains.com, Inc.*, 177 F. Supp. 2d 628, 632 (E.D. Mich. 2001); see also *Williams v. McGinnis*, 192 F. Supp. 2d 757, 759 (E.D. Mich. 2002) (same). A motion for reconsideration should be granted if the movant demonstrates "a palpable defect by which the court and the parties and other persons entitled to be heard on the motion have been misled" and shows "that correcting the defect will result in a different disposition of the case." E. D. Mich. LR 7.1(h)(3); *Williams*, 192 F. Supp. 2d at 759; *MCI Telecomm. Corp. v. Michigan Bell Tel. Co.*, 79 F. Supp. 2d 768, 797 (E.D. Mich. 1999). A palpable

defect is a defect that is obvious, clear, unmistakable, manifest, or plain. *Witzke v. Hiller*, 972 F. Supp. 426, 427 (E.D. Mich. 1997).

Petitioner's motion for reconsideration will be denied, because he is merely presenting issues which were already ruled upon by this Court, either expressly or by reasonable implication, when the Court ruled on his motion for preliminary injunction. See Order Denying Petitioner's Motion for Preliminary Injunction to Transfer as Moot, Feb. 2, 2012.

Accordingly, the Court denies Petitioner's "Motion/Brief for Relief from Order" [Dkt. # 30].

IT IS SO ORDERED.

Dated: March 7, 2012

S/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on March 7, 2012, by electronic and/or ordinary mail and also to David Hardy at Kinross Correctional Facility, 16770 S. Watertower Drive, Kincheloe, MI 49788.

S/Josephine Chaffee  
Deputy Clerk